

JUDGE ABRAMS

18 CV 2260

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

LIZA RIOS, an individual,

Plaintiff,

v.

REDBUBBLE, INC.,
CAFEPRESS, INC.,
SOCIETY6, LLC,
WALMART, INC.,
CLOUDFLARE, INC.,
VERIZON BUSINESS NETWORK
SERVICES, INC., and
AMAZON.COM, LLC,

Defendants.

Civil Action No.

JURY TRIAL DEMANDED

**COMPLAINT FOR TRADEMARK INFRINGEMENT,
COPYRIGHT INFRINGEMENT, UNFAIR COMPETITION AND RELATED CLAIMS**

Plaintiff, Liza Rios, alleges her complaint against Defendants, Redbubble, Inc., CafePress, Inc., Society6, LLC, Walmart, Inc., Cloudflare, Inc., Verizon Business Network Services, Inc., and Amazon.com, LLC as follows:

NATURE OF THE ACTION

1. This action arises from Defendants infringement of Plaintiff's "ownership" and exclusive "use" rights in the mark, **BIG PUN®**, in conjunction with clothing, merchandise and other related goods. Despite Plaintiff being the registered owner of the trademark **BIG PUN®** and offering various clothing and merchandise items under such brand name, the Defendants have infringed Plaintiff's rights in the aforementioned mark by manufacturing, printing, producing, promoting, selling, and offering for sale clothing items under Plaintiff's trademarks.

Plaintiff has already experienced “actual confusion” in connection with this matter and is likely to continue to experience confusion as to the affiliation or connection between the Defendants and Plaintiff resulting in the unjust enrichment of Defendants by using Plaintiff’s registered trademark and copyrights.

Defendant’s Redbubble, Inc. and Cloudflare, Inc. in addition to its infringement of Plaintiff’s trademarks referenced in this Complaint, has also copied, published, reproduced and exploited the design depicted below on clothing and other similar goods and items, which infringes Plaintiff’s federally registered copyright for the work titled “AIR PUN Logo”:



JURISDICTION AND VENUE

2. This Court has jurisdiction over this action pursuant to 15 U.S.C. §1051 *et seq.*, 15 U.S.C. Sections 1114-1116; under Section 43(a) of the Trademark Act, 15 U.S.C. §1125(a), Section 43(c) of the Trademark Act, 15 U.S.C. §1125(c), 17 U.S.C. §101, *et. seq.*, 17 U.S.C. §501-509 and 28 U.S.C. §1367..

3. This Court has personal jurisdiction over the Defendants because Defendants engage in continuous and significant business activities in, and directed to the State of New York

within this judicial district and because Defendants have committed tortuous acts aimed at and causing harm within the State of New York and this judicial district.

4. Venue is proper in this judicial district pursuant to 28 U.S.C. §§ 1391(b) and (c) because it is where Plaintiff resides and the Defendants transacts business in this district, and because a substantial portion of the events giving rise to the asserted claims have occurred, and continue to occur, within this district. Furthermore, the damage to Plaintiff and its intellectual property described herein continues to occur in this judicial district. Defendants also advertise, market and sell goods in this district via the internet or directly.

THE PARTIES

5. Plaintiff, Liza Rios is an individual with an address at 4558 Broadway, #828, New York, NY 10040.

6. Upon information and belief, Defendant Redbubble, Inc. is a Delaware corporation with a principal place of business at 111 Sutter Street, Floor 17, San Francisco, California 94104.

7. Upon information and belief, Defendant Cafepress, Inc. is a Delaware corporation with a principal place of business at 11909 Shelbyville Road, Louisville, Kentucky 40243.

8. Upon information and belief, Defendant Society6, LLC is a Delaware corporation with a principal place of business at 1655 26th Street, Santa Monica, California 90404.

9. Upon information and belief, Defendant Walmart, Inc. is a Delaware corporation with a principal place of business at 702 SW 8th Street, Bentonville, Arkansas 72716.

10. Upon information and belief Defendant Cloudflare, Inc. is a Delaware corporation with a principal place of business at 101 Townsend Street, San Francisco, California 94107.

11. Upon information and belief Defendant Verizon Business Network Services, Inc. is a Delaware corporation with a principal place of business at One Verizon Way – Basking Ridge, New Jersey 07920.

12. Upon information and belief, Defendant Amazon.com, LLC. is a Delaware corporation with a principal place of business at 410 Terry Ave. N, Seattle, Washington 98109.

FACTS

13. Plaintiff Liza Rios, is the widow of the late great “Christopher **BIG PUN®** Rios.”

14. Christopher **BIG PUN®** Rios was an American musical artist emerging from the Bronx borough of New York City. He was the first Latino rapper to have an album “certified platinum” as a solo act. He is a legend in the Hip-Hop music industry and is widely regarded as one of the greatest rappers of all time along the likes of “Christopher **BIGGIE SMALLS** Wallace”, another New York City legendary and deceased rapper. (See Exhibit A)

15. On February 7, 2000, rapper **BIG PUN®** died of heart complications.

16. Since the death of her celebrity husband, Plaintiff Liza Rios has been taking efforts to oversee the various business interests of her late husband in an attempt to maintain and preserve his legacy as a great musical artist. She has also worked on maintaining the **BIG PUN®** brand properties to be compensated for the sale and exploitation of her and her late husband’s business assets which include the **BIG PUN®** brand name and the **AIR PUN©** Logo image which are widely used to identify the legendary musical artist.

17. Since the death of **BIG PUN®** in 2000, Plaintiff has been promoting and selling merchandise and clothing under the **BIG PUN®** brand and **AIR PUN©** Logo image.

18. Plaintiff is actively involved in the production and filming of several television and book projects under the **BIG PUN®** brand and **AIR PUN©** Logo image.

19. The **BIG PUN®** brand is famous and has great value and revenue streaming opportunities in the merchandising retail market including in connection with the sale of clothing and similar items.

20. Plaintiff's **BIG PUN®** clothing products enjoys a superlative reputation in the apparel industry.

21. Plaintiff licenses the **BIG PUN®** mark and AIR PUN© Logo image to third party companies to be used on clothing and other goods under her direct control and authorization.

22. Plaintiff is the registered owner of New York State Trademark Registration No. 5,314,721 for the mark **BIG PUN™**. (See Exhibit B).

23. Plaintiff is the owner of United States Trademark Serial Application No. 87/644,409 for the mark **BIG PUN™ Logo**. (See Exhibit C).

24. Plaintiff is the registered owner of United States Copyright Registration No. VA 2-073-470 for the work under the title **AIR PUN Logo**. (See Exhibit D).

25. Plaintiff is the registered owner of United States Copyright Registration No. VA 2-073-434 for the work under the title **BIG PUN Logo**. (See Exhibit E).

26. Defendant Redbubble is an e-commerce vendor that allows its users and account holders to upload images and designs of artwork, slogans, brand names, and/or other designs that Redbubble then manufactures and prints on novelty items such as t-shirts, caps, hoodies, sweatshirts, baseball jerseys, travel bags, mouse pads, greeting cards, and a myriad of other similar products. These products are then offered for sale to the public.

27. Defendant Redbubble has over 400,000 artists and designers. These designers are mainly individuals who set up an account with Redbubble, upload images and/or design artwork

to the www.redbubble.com website, and receive a small royalty for the products that are sold containing reproductions of the images and/or designs.

28. Upon information and belief, the designers are also able to choose a royalty rate to receive in connection with any product that is sold by Redbubble in connection with that individual's uploaded images. Redbubble starts with a base product price and the designer chooses the royalty rate to receive on top of the base price, which increases the product price to account for the royalty rate. Consequently, Redbubble makes a set amount for each product that it sells, regardless of the designer, the royalty rate, or the image printed.

29. Upon information and belief, Redbubble holds a large inventory of blank items (e.g., shirts, caps, sweaters, etc.) at its print and production warehouse and it prints images of those items only after a product is ordered by an end user buyer through the www.redbubble.com website.

30. When a buyer purchases an item from the www.redbubble.com website a Redbubble employee or contractor will take a blank version of that item from the Redbubble warehouse and print and/or otherwise manufacture the selected item bearing the image, design, slogan or name. Redbubble then packages and ships the product to the consumer.

31. Redbubble manages all material aspects of the transactions conducted on its website, including internet hosting, marketing, search engine optimization, production of merchandise, shipping, invoicing, billing, product return, and refunds. The third party designers role is limited to only uploading images, choosing the items to offer in connection with the images, names or slogans, setting the royalty rate and waiting for a royalty check to come in.

32. Redbubble knows that a large amount of images, names and or slogans it prints that are uploaded by its third party designers are infringing the copyright and/or trademark rights of others. Despite this knowledge, Redbubble does very little to protect the rights of intellectual property owners.

33. Plaintiff is informed and believes and thereon alleges that Defendant Redbubble, Inc. is manufacturing, marketing, promoting, selling and offering for sale an extensive catalogue of apparel items including t-shirts and other similar clothing items bearing Plaintiff's **BIG PUN™** trademark and **AIR PUN Logo** trademark and copyright marks on its website www.redbubble.com. The aforementioned use in commerce by Redbubble violates Plaintiff's trademark and copyright rights in the aforementioned marks and design. (See Exhibit F).

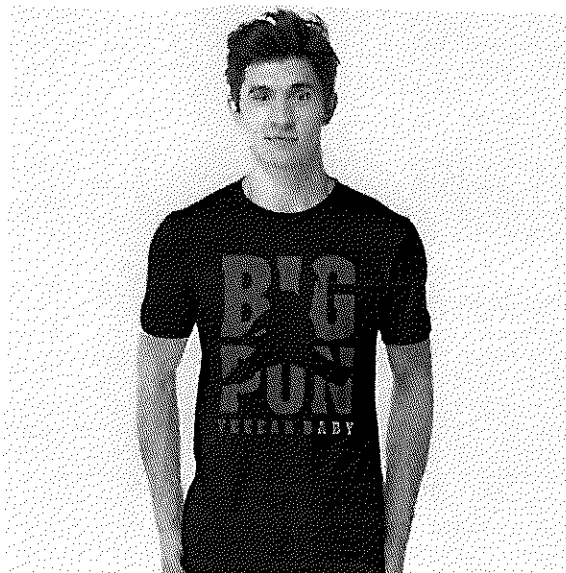
34. Upon information and belief, Defendant Redbubble is also bidding and purchasing adwords under Plaintiff's **BIG PUN®** trademark that is directing consumers looking for Plaintiff's clothing to Redbubble's website to purchase its clothing products instead. The aforementioned use of Plaintiff's trademark in search engine keyword advertising programs by Redbubble are a "use in commerce" of Plaintiff's brand name.

35. Defendant Redbubble's use of Plaintiff's trademarks has already caused confusion and is likely to continue to cause confusion as to the source of clothing products and other merchandise under the **BIG PUN®** marks.

36. Defendant Redbubble, without authorization or consent from Plaintiff has also copied, reproduced, exploited, advertised, marketed, sold and offered for sale clothing and other items under Plaintiff's copyrighted **AIR PUN Logo** Design. A copy of the infringing design copied, reproduced and offered for sale on clothing items by Redbubble is depicted in the image below from the www.redbubble.com website:



**Plaintiff's Copyrighted & Trademarked
Brand and Design**



**Defendant Redbubble's use of BIG PUN®
Brand and Design**

37. The above image sold and offered on clothing products by Redbubble copies constituent elements of Plaintiff's "**AIR PUN Logo**" copyright and constitutes copyright infringement. It is an identical copy and reproduction of the design portion of Plaintiff's registered copyright.

38. The above design and unauthorized use of Plaintiff's copyrighted logo by Redbubble is used on different products offered by Redbubble including but not limited to clothing, phone cases and skins, art canvasses, mugs, bags, etc. Each separately advertised clothing or merchandise item depicted in a different product offering is a separate and individual violation of Plaintiff's **AIR PUN Logo** copyright.

39. Defendant Redbubble was sent a DMCA notice regarding the infringement of Plaintiff's copyright prior to Plaintiff filing the current Complaint and it did not act expeditiously in removing the infringement content.

40. Upon information and belief, Defendant Redbubble continues to print unauthorized copies of Plaintiff's copyright image and **BIG PUN®** trademarks on to

Redbubble's blank item merchandise, which it then ships and sells to customers for a profit. (See Exhibit G).

41. A comparison of the above images makes it clear that the accused product is substantially similar and/or identical to the design content of Plaintiff's **AIR PUN Logo** Design. This violates Plaintiff's copyright in the **AIR PUN Logo** copyright.

42. Defendant Cafepress, Inc., similar to Redbubble, is an e-commerce business that is manufacturing, printing, marketing, promoting, selling and offering for sale an extensive catalogue of **BIG PUN®** related apparel including t-shirts bearing Plaintiff's **BIG PUN®** mark on its website www.cafepress.com which violate Plaintiff's trademark rights in the aforementioned marks. (See Exhibit H).

43. Upon information and belief, Defendant Cafepress had knowledge of Plaintiff's ownership rights in the **BIG PUN®** marks and failed to implement any procedure that would prevent its account users from uploading content or designs that included Plaintiff's registered trademarks.

44. Upon information and belief, Defendant Cafepress is also bidding and purchasing adwords under Plaintiff's **BIG PUN®** trademark that is directing consumers looking for Plaintiff's clothing to Cafepress' website to purchase its clothing products instead of Plaintiff's clothing items under the **BIG PUN®** mark. The aforementioned use of Plaintiff's trademark in search engine keyword advertising programs by Cafepress is a "use in commerce" of Plaintiff's brand name for a profit.

45. Defendant Cafepress, Inc.'s use of Plaintiff's trademarks has already caused confusion and is likely to continue to cause confusion as to the source of clothing products under the **BIG PUN®** mark.

46. Defendant Society6 LLC is an e-commerce business that is providing an online store and platform to purchase t-shirts, hoodies and other apparel and are publishing, exploiting,

marketing, promoting, selling and offering for sale clothing items under Plaintiff's **BIG PUN®** trademarks and that also exploit Plaintiff's deceased husband's image from its website www.society6.com. (See Exhibit I).

47. Defendant Society6's continued use of Plaintiff's **BIG PUN®** mark is likely to continue to cause confusion as to the source of apparel products under the aforementioned marks.

48. Defendant Society6's use of Plaintiff's trademarks is not considered a fair use as Society6 is using the mark for commercial business purposes and for a profit.

49. Defendant Society6's infringement of Plaintiff's trademarks and copyrights is willful as Society6 is aware of the infringing content it is continuing to display, sell and offer for sale from its www.society6.com website.

50. Defendant Society6 has the ability to manage, monitor and control the infringing activity that violates Plaintiff's trademarks and/or copyrights.

51. Defendant Walmart, Inc. is a store and an e-commerce retailer and is providing an online store and platform to purchase t-shirts and other merchandise and are manufacturing, printing, marketing, promoting, selling and offering for sale via its website www.walmart.com clothing items promoted under Plaintiff's **BIG PUN®** trademark. (See Exhibit J).

52. Defendant Walmart's use of Plaintiff's trademark has already caused confusion and is likely to continue to cause confusion as to the source of clothing products under the **BIG PUN®** mark.

53. Defendant Walmart's use of Plaintiff's trademark is not a fair use as Walmart is using the marks for commercial business purposes and for a profit.

54. Defendant Walmart has the ability to manage, monitor and control the infringing activity that violates Plaintiff's trademark.

55. Upon information and belief, Defendant Walmart is aware and has knowledge of Plaintiff's ownership rights in the **BIG PUN®** mark.

56. Defendant Cloudflare, Inc. is a major web hosting company that provides web-hosting and other online services under its control and direction is providing hosting, and online retail store services to the websites www.redbubble.com which provides the platform and ability to purchase clothing items that infringe Plaintiff's intellectual property rights.

57. Plaintiff provided Cloudflare, Inc. with an Infringement Notice regarding her trademarks and copyrights that were being infringed but it failed to act expeditiously in removing the infringing content as requested by Plaintiff and as such is liable for contributory trademark and copyright infringement as it is inducing the infringement by continuing to provide hosting services to a website that is engaged in infringing activity against my trademarks and copyrights.

58. Defendant Cloudflare, Inc. has the ability to manage, monitor and control the infringing activity that violates Plaintiff's trademarks and copyrights on the www.redbubble.com online platform.

59. Defendant Cloudflare, Inc. is assisting Defendant Redbubble in infringing upon my copyright and trademark rights.

60. Defendant Verizon Business Network Services, Inc. (a major web hosting company) that provides web hosting services under its control and direction is providing hosting, and online retail store services to the website www.cafepress.com which provides the platform and ability to purchase clothing items that infringe Plaintiff's intellectual property rights.

61. Plaintiff provided Verizon Business Network Services, Inc. with an Infringement Notice but it failed to act expeditiously in removing the infringing content as requested by Plaintiff.

62. Plaintiff Verizon Business Network Services, Inc. is inducing the infringement of Plaintiff's **BIG PUN®** mark by continuing to provide online and hosting services to Defendant Cafepress, Inc. that it knows to be engaged in infringing activities against Plaintiff's trademark.

63. Defendant Verizon Business Network Services, Inc. has the ability to manage, monitor and control the infringing activity that violates Plaintiff's trademarks and copyrights on the www.cafepress.com online platform.

64. Defendant Amazon.com, LLC is an e-commerce retail business that also provides web hosting services under its control and direction is providing hosting, and online retail store services to the website www.Society6.com which provides the platform and ability to purchase clothing items that infringe Plaintiff's intellectual property rights.

65. Plaintiff provided Amazon.com, LLC with an Infringement Notice but it failed to act expeditiously in removing the infringing content as requested by Plaintiff.

66. Plaintiff Amazon.com, LLC is inducing the infringement of Plaintiff's **BIG PUN®** mark by continuing to provide online and hosting services to Defendant Society6, LLC that it knows to be engaged in infringing activities against Plaintiff's trademark.

67. Defendant Amazon.com, LLC has the ability to manage, monitor and control the infringing activity that violates Plaintiff's trademarks and copyrights on the www.society6.com online platform.

68. Defendant Amazon.com's infringement of Plaintiff's trademarks is willful as Amazon is aware of the infringing content it is continuing to display, sell and offer for sale from providing its hosting services to the www.society6.com website.

FIRST CAUSE OF ACTION
TRADEMARK INFRINGEMENT (15 U.S.C. §§ 1114-1116)

69. Plaintiff repeats and realleges each and every allegation contained in Paragraphs 1 through 68 of this Complaint.

70. The use in commerce by Defendants of an identical version of Plaintiff's registered trademark is likely to cause confusion, mistake and deception among members of the public and in trade as to the source, origin, or sponsorship of defendants' goods and services. Such use by Defendants constitutes a clear and direct infringement of Plaintiff's rights in and to Plaintiff's registered trademark, and has resulted in injury and damage to Plaintiff that will continue if Defendants are not ordered to cease all use of the **BIG PUN®** mark.

SECOND CAUSE OF ACTION
UNFAIR COMPETITION & FALSE DESIGNATION OF ORIGIN (15 U.S.C. § 1125(a))

71. Plaintiff repeats and realleges each and every allegation contained in Paragraphs 1 through 70 of this Complaint.

72. Plaintiff has the exclusive right to market, brand and provide clothing related goods using the **BIG PUN®** mark.

73. Defendants by reason of the aforementioned acts, have falsely described, represented and designated the origin of its goods and services. Defendants' activities already have confused the public into believing that Defendants and Plaintiff's clothing goods and accessories come from one and the same source, and defendants continued activities are likely to create further confusion and deceive the public concerning the source of the goods/services.

74. Defendants have unfairly profited from the actions alleged herein and will continue to unfairly profit and become unjustly enriched unless and until such conduct is enjoined by this Court.

75. By reason of Defendants willful acts conducted in conscious disregard for Plaintiff's rights, Plaintiff is entitled to treble damages under 15 U.S.C. § 1117(a).

THIRD CAUSE OF ACTION COMMON LAW TRADEMARK INFRINGEMENT & UNFAIR COMPETITION

76. Plaintiff repeats and realleges each and every allegation contained in Paragraphs 1 through 75 of this Complaint.

77. Defendants conduct constitutes deception by which Defendants goods will be palmed off as those of Plaintiff. Such conduct constitutes trademark infringement and unfair competition in violation of the laws of the State of New York.

78. Defendants unauthorized use of Plaintiff's **BIG PUN®** mark is likely to continue to cause further confusion to the public as to the clothing goods and accessories of the respective parties.

79. By reason of the foregoing, Defendants have infringed and continue to infringe on Plaintiff's common law rights in the **BIG PUN®** mark and Defendants have become unjustly enriched by such acts of infringement.

80. Defendants unlawful conduct has been and will continue to be willful or willfully blind to Plaintiff's rights, as Defendant has reason to know of Plaintiff's rights in the name and image of Plaintiff's deceased celebrity husband.

FOURTH CAUSE OF ACTION COPYRIGHT INFRINGEMENT

(against Defendants Redbubble, Inc. and Cloudflare, Inc. only)

81. Plaintiff repeats and realleges each and every allegation contained in Paragraphs 1 through 80 of this Complaint.

82. Plaintiff is the creator, author, and owner of all rights of copyright in and to the **AIR PUN Logo Design**.

83. Defendants Redbubble and Cloudflare without authorization of Plaintiff as the owner of all rights of copyright in the **AIR PUN Logo Design**, and in violation of 17 U.S.C. §§101 et seq., has intentionally and willfully copied, distributed, and publicly displayed and sold and/or offered for sale, a t-shirt that is identical or in the least, substantially similar to the Plaintiff's copyrighted **AIR PUN Logo Design**, that is used on Plaintiff's clothing items.

84. Defendant's Redbubble and Cloudflare's actions constitute copyright infringement and have caused and will continue to cause Plaintiff irreparable harm and injury unless enjoined by this Court.

85. By reason of Defendants infringement of Plaintiff's copyright in her **AIR PUN Logo Design**, in connection with clothing, Defendants have derived revenues and profits attributable to said infringement, the amount of which has yet to be ascertained.

86. Defendant's infringement of Plaintiff's copyright in the **AIR PUN Logo Design**, was committed "willfully" as that term is used in 17 U.S.C. §504(c)(2). At all times mentioned herein, and upon information and belief, Defendants were aware of, and had reason to believe, that its acts constituted infringement of Plaintiff's copyrights.

**FIFTH CAUSE OF ACTION
UNJUST ENRICHMENT**

87. Plaintiff repeats and realleges each and every allegation contained in Paragraphs 1 through 86 of this Complaint.

88. Defendants has\ve unjustly retained profits from the sale of clothing goods and accessories bearing Plaintiff's **BIG PUN®** mark.

89. Defendant's actions constitute unjust enrichment.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully prays for relief as follows:

1. Entry of an order and judgment requiring that all Defendants, its subsidiaries, officers, agents, servants, employees, owners, and representatives, and all other persons or entities in active concert or participation with them, be preliminarily and, thereafter, permanently enjoined and restrained from (a) using in any manner the trade name, trademark, domain name or other indicia or origin, including in whole or part the term **BIG PUN®**, or any colorable imitation thereof; (b) advertising, operating a website, using business stationary or offering any goods or services using the trade name, trademark, domain name, URL, or any other indicia of origin including in whole or part the term **BIG PUN®**, or any colorable imitation thereof; (c) otherwise engaging in any acts of unfair competition and infringement which tend to injure Plaintiff's rights in the **BIG PUN®** mark.

2. That Defendant be required to account to Plaintiff for any and all profits derived by it, and to compensate Plaintiff for all the damages sustained by reason of the acts complained of herein, and that the damages herein be trebled pursuant to the Trademark Act.

3. That Defendant be ordered to deliver up for destruction any and all infringing materials bearing the **BIG PUN®** mark, and any colorable imitation thereof, in whole or part.

4. That Plaintiff be awarded punitive damages against all Defendants.

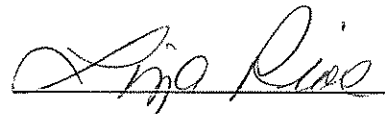
5. That Defendant be required to place advertisements or send notifications to past and present customers that it improperly has been using the **BIG PUN®** mark.
6. That Plaintiff be awarded statutory damages against Redbubble and Cloudflare in the amount of \$10,000,000.00 for Defendants acts of willful infringement of Plaintiff's copyright.
7. That Plaintiff be awarded the cost and disbursements of this action.
8. That Plaintiff have such other and further relief as the Court deems just and proper.

JURY DEMAND

Pursuant to Federal Rule of Civil Procedure 38(b), Plaintiff hereby demands a trial by jury as to all issues.

Dated: March 14, 2018
New York, New York

Respectfully submitted,
Liza Rios – Pro Se

A handwritten signature in black ink, appearing to read "Liza Rios", written over a horizontal line.

Liza Rios
Pro Se Plaintiff
4558 Broadway – Suite #828
New York, New York 10040
(917) 645-8439

EXHIBIT A

WIKIPEDIA

Big Pun

Christopher Lee Rios (November 10, 1971 – February 7, 2000),^{[1][2]} better known by his stage name **Big Pun** (short for **Big Punisher**), was an American rapper. Emerging from the underground hip hop scene in The Bronx borough of New York City in the early 1990s, he was the first Latino rapper to have an album certified platinum as a solo act. He first appeared on tracks from Fat Joe's second album *Jealous One's Envy* in 1995, on the debut solo album of *Flesh-N-Bone T.H.U.G.S.* in 1996 and The Beatnuts' second album *Stone Crazy* in 1997, prior to signing to Loud Records as a solo artist. Pun's lyrics are notable for technical efficiency, having minimal pauses to take a breath, heavy use of alliteration as well as internal and multi-syllabic rhyming schemes. He is widely regarded as one of the greatest rappers of all time.^[3]

About.com ranked him #25 on its list of the 50 Greatest MCs of All Time,^[4] while MTV2 ranked him #11 on its list of the "22 Greatest MCs".^[5] In 2012, *The Source* ranked him #19 on their list of the Top 50 Lyricists of All Time.

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Early life

Rios was born on November 10, 1971 in The Bronx, New York City to parents of Puerto Rican descent. He grew up in the South Bronx neighborhood of the city, and had at least 2 sisters and 1 brother.^{[6][7][8]} He regularly played basketball and trained in boxing for a while.^[6] He eventually moved out of his mother's house at the age of 15, and was homeless for a period of time in the late 1980s.^[9] Rios received a large settlement from the city stemming from an incident in 1976, where a five-year-old Rios broke his leg while playing in a park.^[10] Using the settlement money, Rios married his high school sweetheart, Liza, and the two moved into a home together. Rios struggled with depression stemming from his turbulent childhood, and turned to food as a way of coping with it. Between the ages of 18 and 21, Rios' weight ballooned from 180lbs to 300lbs, and Rios became so large he was unable to tie his own shoes.^{[9][10]}

Career

During the mid-1980s, he began writing rap lyrics. He later formed the underground rap group called Full-A-Clips which included rappers *Lyrical Assassin*, *Joker Jamz* and *Toom*. Rios made a number of recordings with the group in the early 1990s, which have not been released. At this point Rios was operating under the alias Big Moon Dawg.^[11] After changing his stage name to Big Punisher, Rios met fellow Puerto Rican and Bronx rapper *Fat Joe* in 1995 and made his commercial debut on Fat Joe's second album, *Jealous One's Envy*, in addition to appearing on the song, "Watch Out". He also appeared on The Beatnuts' song "Off the Books"

Later, "I'm Not a Player" (featuring an O'Jays sample) was supported by a significant advertising campaign and became an underground hit.

Capital Punishment (1997–1998)

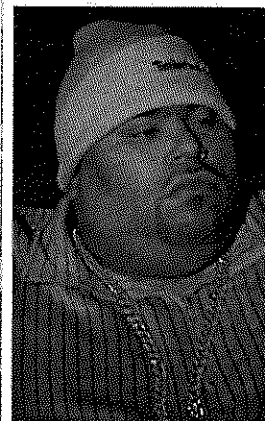
In 1997, Big Pun began recording songs for his debut album *Capital Punishment*. In 1997, producer *Knobody*'s production partner Sean C took advantage of his new role as A&R at Loud Records to play Knobody's tracks to Big Pun.^[12] Suitably impressed, the rapper hired Knobody to remix "I'm Not a Player".^[12] The remixed song, featuring Joe and titled "Still Not a Player", became Big Pun's first major mainstream hit and major breakthrough for Knobody.^[12] The full-length debut *Capital Punishment* followed in 1998, and became the first album by a solo Latino rapper to go platinum,^[13] peaking at #5 on the *Billboard* 200. *Capital Punishment* was also nominated for a Grammy.

The Terror Squad collaboration album (1999–2000)

Big Pun became a member of *Terror Squad*, a New York-based group of rappers founded by *Fat Joe*, with most of the roster supplied by the now-defunct Full-A-Clips who released their debut album *The Album* in 1999. The album did not fare well commercially but it was well received critically and the album was meant to start the foundation for all other Terror Squad members to release their solo projects.

Death

Big Pun



Big Pun in 1997

Background information

Birth name	Christopher Lee Rios
Also known as	Big Punisher, Pun
Born	November 10, 1971 <div>Soundview, South Bronx, The Bronx, New York City, New York, U.S.</div>
Died	February 7, 2000 (aged 28) <div>Crowne Plaza Hotel, White Plains, New York, U.S.</div>
Genres	Hip hop
Occupation(s)	Rapper · actor
Years active	1992–2000
Labels	Loud Records
Associated acts	Cuban Link, Terror Squad, N.O.R.E., Lord Tariq and Peter Gunz, Fat Joe

Big Pun struggled with a weight problem for all of his adult life; at 18 he weighed 180 pounds (82 kg), but three years later he weighed close to 300 pounds (140 kg).^[14] His weight constantly fluctuated in the early 1990s between obese and morbidly obese.^[14] Big Pun later enrolled in a weight-loss program at Duke University in North Carolina in which he lost 80 pounds (36 kg), but he quit the program before completing it, returning to New York and gaining back the weight he had lost.^[14] Big Pun's weight was a constant source of argument between him and his friends, to the point that Big Pun would refuse to eat around them.^[14]

On February 5, 2000, Big Pun was scheduled to perform alongside Fat Joe and Jennifer Lopez on Saturday Night Live, but did not attend due to feeling unwell. Two days later on February 7, Pun suffered a fatal heart attack and respiratory failure while temporarily staying with his family at a Crowne Plaza in White Plains, New York, during a home renovation. Big Pun was pronounced dead at the hospital after paramedics could not revive him. Big Pun was at his highest weight at the time of his death, 698 pounds (317 kg).^[15] He was cremated a few days later. Big Pun is survived by his wife, Liza, and their three children, Amanda (born 1991), Vanessa (born 1993), and Christopher Jr. (born 1994).^[16]

Posthumous works

His second album, *Yeeeah Baby*, completed after his death, was released in April 2000. It peaked at #3 on the Billboard charts and earned gold record status within three months of its release. A posthumous compilation album, *Endangered Species*, was released in April 2001. *Endangered Species* collected some of Pun's "greatest hits", previously unreleased material, numerous guest appearances, and remixed "greatest verses." As with his other albums, it also peaked in the top ten of the Billboard 200, reaching #7, but didn't sell as much as the previous Big Pun albums had.

Big Punisher was featured with Fat Joe on *Duets: The Final Chapter*, an album of tracks featuring The Notorious B.I.G., also deceased. The track "Get Your Grind On" begins with a Big Pun radio interview in which he said he would perform a duet with Biggie at the gates of heaven.^[17] Punisher was also featured on a track from the revived Terror Squad's second album, *True Story*, on the track "Bring 'Em Back" with Big L, another deceased rapper.

On May 2, 2001, the New York City Council stalled plans to rename a small portion of Rogers Place in honor of Big Pun because of distaste over Big Pun's lyrics, which according to *The New York Times* "include profanity and references to violence and drug dealing".^[18]

Sony Music Entertainment has been considering releasing a second posthumous album featuring unreleased material,^[19] but the project is being delayed by Sony.^[20] Liza Rios also held an auction in 2005 for her deceased husband's Terror Squad medallion, citing financial difficulties in the wake of Pun's death, and again claiming to have not received any royalty checks for Pun's posthumous album sales (save for a small check from the sales of *Endangered Species*).

Big Pun: The Legacy documentary

A tribute documentary, *Big Pun: The Legacy*, was released on September 15, 2009. The film contains multiple interviews with artists, actors, close friends and others whose lives were touched by Big Pun, as well as rare exclusive performances and scene interviews with Big Pun himself. The film also features appearances by Bone Thugs-n-Harmony, Snoop Dogg, DMX, Method Man, U-God, Liza Rios, Xzibit, Cuban Link, Swizz Beatz, DJ Skribble, Chino XL, Redman, Papoose, Sticky Fingaz, Ghostface Killah, Raekwon, Killer Mike and many more. The film was directed by Vlad Yudin and is distributed through Vivendi Universal, and the soundtrack is released through Legacy Recordings/Columbia Records.

Discography

Studio albums

- 1998: *Capital Punishment*
- 2000: *Yeeeah Baby*

Collaboration album

- 1999: *The Album* (with Terror Squad)

Compilation album

- 2001: *Endangered Species*

Singles

Year	Title	Peak chart positions ^[21]			Album
		U.S.	U.S. R&B	U.S. Rap	
1997	"I'm Not a Player"	57	19	3	<i>Capital Punishment</i>
1998	"Still Not a Player" (featuring Joe)	24	6	13	
	"You Came Up" (featuring Noreaga)	—	49	43	
2000	"It's So Hard" (featuring Donell Jones)	75	19	11	<i>Yeeeah Baby</i>
	"100%" (featuring Tony Sunshine)	—	64	—	
2001	"How We Roll" (featuring Ashanti)	—	53	16	<i>Endangered Species</i>
2014	"Lyrically Fit (The Bigger They R)" (featuring Chris Rivers, Cormega, Shaquille O'Neal and Easy Mo Bee)				<i>Bronx Legends Never Die EP</i>

As featured performer

Year	Title	Peak chart positions			Album
		US	US R&B	US Rap	
1996	"Firewater" (Fat Joe featuring Big Pun, Raekwon, and Armaggedon)	—	116	—	<i>Endangered Species</i>
1997	"Off the Books" (The Beatnuts feat. Big Pun and Cuban Link)	86	52	12	<i>Stone Crazy</i>
	"Some 1 2 Hold" (Veronica feat. Big Pun and Cuban Link)	—	101	—	<i>Rise</i>
1998	"Western Ways Part II" (Delinquent Habits feat. Big Pun and JuJu)	—	102 ^[22]	—	<i>Here Come the Horns</i>
	"I'll Be Around" (Rah Sun feat. Big Pun and Deuce)	125 ^[23]	89 ^[24]	30 ^[25]	<i>It's Not a Game</i>
	"Bet Ya Man Can't (Triz)" (Fat Joe feat. Big Pun, Cuban Link and Triple Sels)	—	54	37	<i>Don Cartagena</i>
	"From N.Y. to N.O." (Mr. Serv-On feat. Big Pun)	20	11	3	<i>Da Next Level</i>
1999	"On Point" (Heavy D featuring 8Ball and Big Pun)	—	—	—	<i>Heavy</i>
	"Symphony 2000" (Truck feat. Big Pun, Kool G Rap and KRS-One)	—	—	35 ^[26]	Non-album single
2000	"Feelin' So Good" (Jennifer Lopez feat. Fat Joe and Big Pun)	51	44	—	<i>On the 6</i>

Music videos

Year	Title	Director
1997	"I'm Not a Player"	David Perez Shadi
1998	"Twinz (Deep Cover '98)"	Chris Robinson ^[27]
	"Still Not a Player"	Darren Grant ^[28]
	"You Came Up"	Darren Grant
2000	"It's So Hard"	Chris Robinson ^[27]
	"100%"	Chris Robinson ^[27]
2001	"How We Roll"	

Filmography

- Moesha* (1998) - Himself (as Big Punisher)
- Thicker Than Water* (1999) - Punny
- Urban Menace* (1999) - Crow
- Whiteboyz* (1999) - Don Flip Crew (uncredited)
- Boricue's Bond* (2000) - Himself (as Big Punisher)
- Still Not a Player* (2002) - Himself (archive footage)
- Big Pun Live* (2002) - Himself (archive footage)
- Big Pun: The Legacy* (2007) - Himself (archive footage)

Awards and nominations

Grammy Awards

Year	Nominated work	Award	Result
1999	"Capital Punishment"	Grammy Award for Best Rap Album	Nominated ^[29]

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Retrieved from "https://en.wikipedia.org/w/index.php?title=Big_Pun&oldid=828690441"

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EXHIBIT B

United States of America

United States Patent and Trademark Office

BIG PUN

Reg. No. 5,314,721

Registered Oct. 24, 2017

Int. Cl.: 9, 25

Trademark

Principal Register

Pun-Is-Her Holdings, LLC (NEW YORK LIMITED LIABILITY COMPANY)
1100 H Street, Nw, Suite 315
C/o Wyz Girl Entertainment Consulting
Washington, D.C. 20005

CLASS 9: Audio and video recordings featuring music and artistic performances; Digital music downloadable from the Internet; Musical sound recordings; Prerecorded audio tapes featuring music; Prerecorded video cassettes featuring music; Prerecorded video tapes featuring music; Compact discs featuring music; Downloadable MP3 files and MP3 recordings featuring music; Electronic publications, namely, books, electronic magazines and newsletters featuring music recorded on computer media; Pre-recorded DVDs featuring music

FIRST USE 4-29-1998; IN COMMERCE 4-29-1998

CLASS 25: socks; tee shirts; athletic shoes; baseball cap; coats for men and women; hoodies

FIRST USE 12-31-2007; IN COMMERCE 12-31-2007

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT STYLE, SIZE OR COLOR

The individual identified in the mark is in fact deceased; accordingly, the name "BIG PUN" shown in the mark does not identify a particular living individual.

SER. NO. 87-107,933, FILED 07-18-2016



Joseph Matol

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BIG PUN

Word Mark BIG PUN

Goods and Services IC 009. US 021 023 026 036 038. G & S: Audio and video recordings featuring music and artistic performances; Digital music downloadable from the Internet; Musical sound recordings; Prerecorded audio tapes featuring music; Prerecorded video cassettes featuring music; Prerecorded video tapes featuring music; Compact discs featuring music; Downloadable MP3 files and MP3 recordings featuring music; Electronic publications, namely, books, electronic magazines and newsletters featuring music recorded on computer media; Pre-recorded DVDs featuring music. FIRST USE: 19980429. FIRST USE IN COMMERCE: 19980429

IC 025. US 022 039. G & S: socks; tee shirts; athletic shoes; baseball cap; coats for men and women; hoodies. FIRST USE: 20071231. FIRST USE IN COMMERCE: 20071231

Standard Characters Claimed**Mark Drawing Code** (4) STANDARD CHARACTER MARK**Serial Number** 87107933**Filing Date** July 18, 2016**Current Basis** 1A**Original Filing Basis** 1A**Published for Opposition** August 8, 2017**Registration Number** 5314721**Registration** October 24, 2017

Date

Owner (REGISTRANT) Pun-Is-Her Holdings, LLC LIMITED LIABILITY COMPANY NEW YORK 1100 H Street, NW, Suite 315 c/o Wyz Girl Entertainment Consulting Washington D.C. 20005

(LAST LISTED OWNER) RIOS, LIZA INDIVIDUAL UNITED STATES 230 CLINTON STREET - SUITE 11C C/O WORLDWIDE BRAND SOLUTIONS NEW YORK NEW YORK 10002

Assignment Recorded ASSIGNMENT RECORDED

Attorney of Record Mariessa Terrell

Type of Mark TRADEMARK

Register PRINCIPAL

Other Data The individual identified in the mark is in fact deceased; accordingly, the name "BIG PUN" shown in the mark does not identify a particular living individual.

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**Word Mark** BIG PUN
Goods and Services IC 025. US 022 039. G & S: Headwear; Hoodies; Sweaters; T-shirts; Caps being headwear; Crew neck sweaters; Short-sleeved or long-sleeved t-shirts. FIRST USE: 20071231. FIRST USE IN COMMERCE: 20071231
Mark
Drawing Code (3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS

Design Search Code 02.01.02 - Men depicted as shadows or silhouettes of men; Silhouettes of men
 16.01.07 - Head phones; Headphones; Headsets; Microphones

Serial Number 87644409
Filing Date October 13, 2017
Current Basis 1A

Original Filing Basis 1A

Owner (APPLICANT) Rios, Liza INDIVIDUAL UNITED STATES c/o Joule Entertainment, LLC 34-12 36th Street - Unit 131 Astoria NEW YORK 11106

Description of Mark The color(s) RED and BLACK is/are claimed as a feature of the mark. The mark consists of the words BIG PUN in RED letters and a image of a man holding a microphone in his hand with the image appearing in BLACK.

Type of Mark TRADEMARK
Register PRINCIPAL
Other Data The name(s), portrait(s), and/or signature(s) shown in the mark does not identify a particular living individual.

Live/Dead Indicator LIVE

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Karen Leigh Claycomb

Acting United States Register of Copyrights and Director

Registration Number

VA 2-073-470

Effective Date of Registration:

October 13, 2017

Title

Title of Work: AIR PUN Logo

Completion/Publication

Year of Completion: 2007

Date of 1st Publication: December 31, 2007

Nation of 1st Publication: United States

Author

- Author: Liza Rios
Author Created: 2-D artwork
Citizen of: United States

Copyright Claimant

Copyright Claimant: Liza Rios
34-12 36th - Unit 131, c/o Joule Entertainment, LLC, Astoria, NY, 11106,
United States

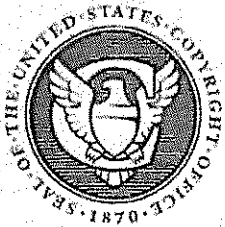
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Date: October 13, 2017

EXHIBIT E

Certificate of Registration



This Certificate issued under the seal of the Copyright Office in accordance with title 17, *United States Code*, attests that registration has been made for the work identified below. The information on this certificate has been made a part of the Copyright Office records.

Karen Lytle Clayton

Acting United States Register of Copyrights and Director

Registration Number

VA 2-073-434

Effective Date of Registration:

October 13, 2017

Title _____

Title of Work: BIG PUN Logo

Completion/Publication _____

Year of Completion: 2007

Date of 1st Publication: December 31, 2007

Nation of 1st Publication: United States

Author _____

• Author: Liza Rios
Author Created: 2-D artwork
Citizen of: United States

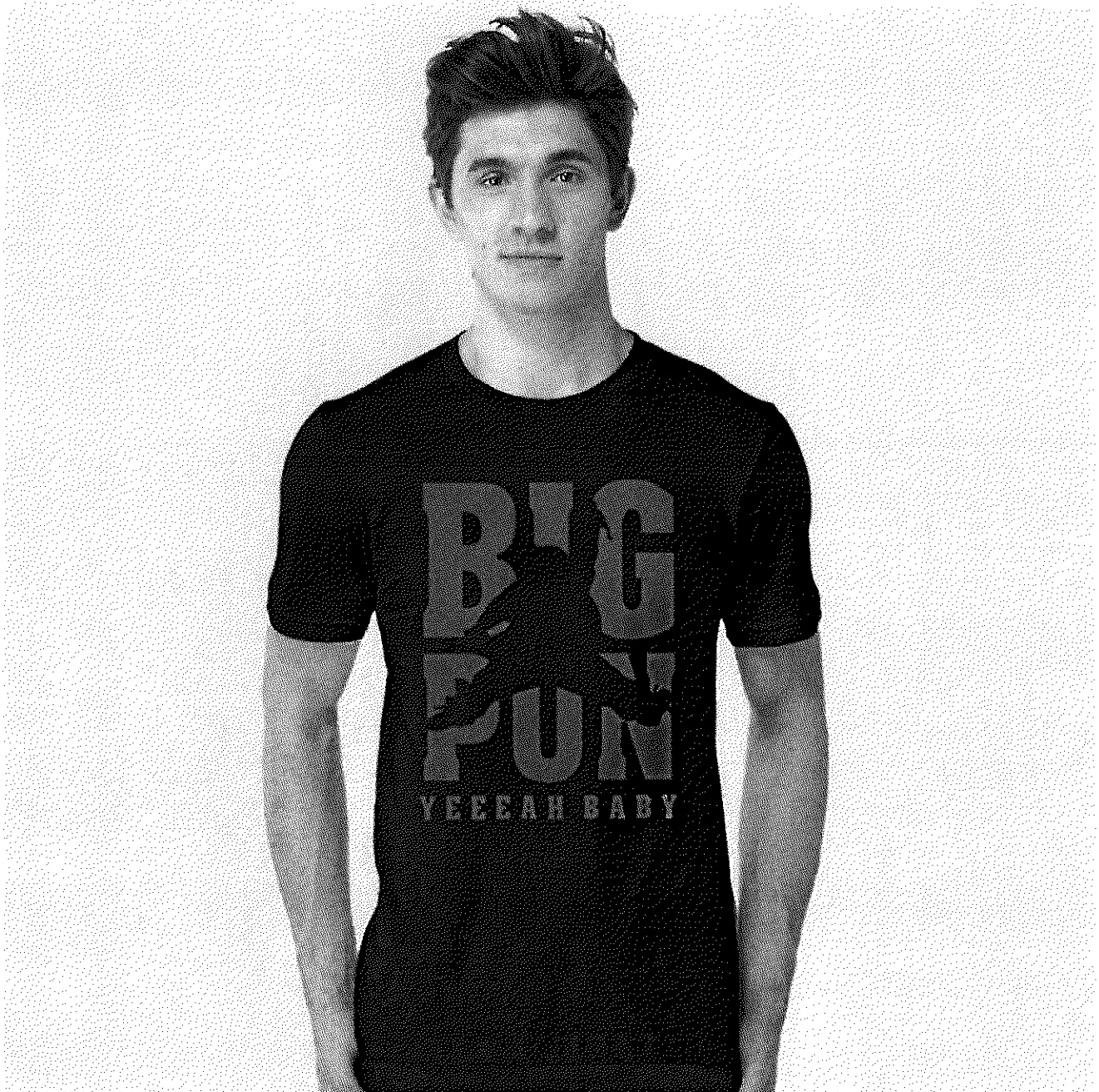
Copyright Claimant _____

Copyright Claimant: Liza Rios
34-12 36th Street Unit 131, c/o Joule Entertainment, LLC, Astoria, NY, 11106,
United States

Certification _____

Name: Robert G. Lopez
Date: October 13, 2017

EXHIBIT F



+ 17 colors

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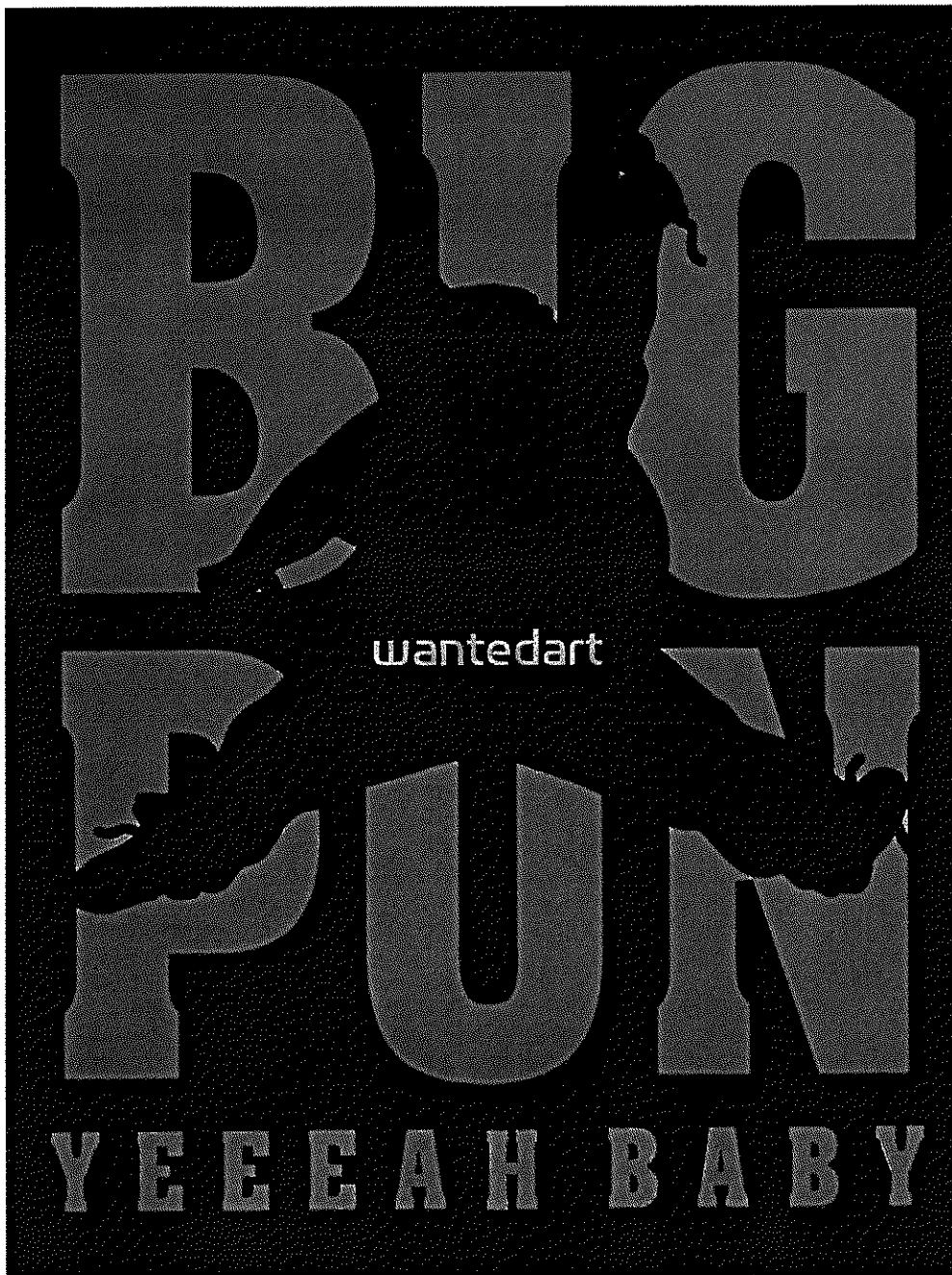


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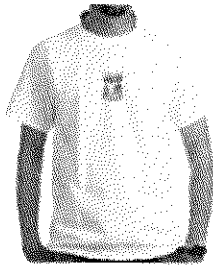
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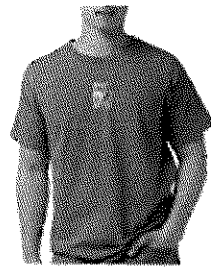
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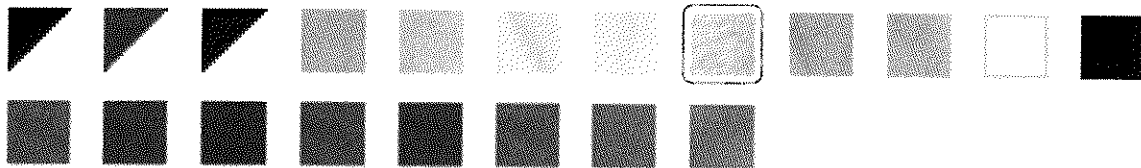


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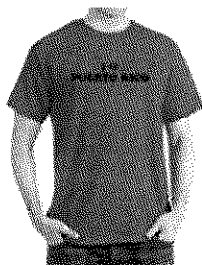
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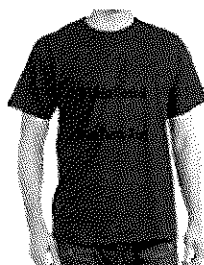
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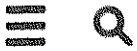


Christopher Lee Rios Aka Big Pun (November 10, 1971 – February 7, 2000) Created the legendary album Capital Punishment in 1998. Big Pun was the most prominent Puerto-Rican American rapper.

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